

MONTANA LEGISLATIVE HISTORY

Chapter 669 19 79

Bill H 682 S _____

Original bill & history ✓

H. Committee on _____

Hearing Date(s) _____ C

_____ C

_____ C

_____ C

Date Out _____ C

S. Committee on Local Government

Hearing Date(s) 3-20 ✓ C

_____ C

_____ C

_____ C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

1 *House* BILL NO. *682*
 2 INTRODUCED BY *Hand Sell* *Hayden* *Smalley*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW COUNTY
 5 COMMISSIONERS IN CERTAIN COUNTIES TO ESTABLISH THE OFFICE OF
 6 COUNTY ATTORNEY AS A FULL-TIME POSITION; TO INCREASE THE
 7 SALARY OF CERTAIN COUNTY ATTORNEYS; AND TO PROVIDE FOR THE
 8 RENDITION OF COUNTY LEGAL SERVICES BY PERSONS OTHER THAN THE
 9 COUNTY ATTORNEY; AMENDING SECTION 7-4-2503, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. County attorney may be full
 13 time -- resolution -- salary. In any county with a
 14 population of less than 30,000, the county commissioners
 15 may, upon the consent of the county attorney, on July 1 of
 16 any year by resolution establish the office of county
 17 attorney as a full-time position subject to the provisions
 18 of 7-4-2701 and 7-4-2704. The salary for this position is
 19 the salary provided by 7-4-2503 for the office of county
 20 attorney in a county with a population in excess of 30,000.

21 NEW SECTION. Section 2. Contract for services of
 22 county attorney from another county. The county
 23 commissioners of any county may upon the consent of the
 24 county attorney, by agreement with the commissioners and
 25 county attorney of any other county, contract in writing to

1 employ any other county attorney or attorney member of his
 2 staff to perform civil or criminal legal services for the
 3 county at a reasonable rate. The provisions of this section
 4 are subject to the provisions of interlocal cooperative
 5 agreements.

6 NEW SECTION. Section 3. Contract for services of any
 7 other attorney. In any county with a population of less than
 8 30,000, the county commissioners may, upon consent of the
 9 county attorney, employ any other attorney licensed in
 10 Montana to perform any legal service in connection with the
 11 civil business of the county.

12 Section 4. Section 7-4-2503, MCA, is amended to read:
 13 "7-4-2503. Salaries of certain county officers. (1)
 14 Except as provided in subsection (2), the total salary paid
 15 to the county treasurer, county clerk and recorder, clerk of
 16 the district court, county attorney, county assessor, county
 17 superintendent of schools, and county sheriff; the county
 18 surveyor in counties where county surveyors receive salaries
 19 as provided in 7-4-2812; and the county auditor in all
 20 counties wherein such office is authorized shall be the sum
 21 of the salary shown in column A, based on population as of
 22 January 1, 1977, when added to the salary shown in column B,
 23 based on taxable valuation as of January 1, 1977, as
 24 follows:

25 (a) Population of County Column A

1	Below 3,000.....	\$4,494
2	3,000 to 3,999.....	\$4,729
3	4,000 to 4,999.....	\$4,833
4	5,000 to 5,999.....	\$4,938
5	6,000 to 6,999.....	\$5,058
6	7,000 to 7,999.....	\$5,394
7	8,000 to 8,999.....	\$5,481
8	9,000 to 9,999.....	\$5,617
9	10,000 to 12,499.....	\$5,708
10	12,500 to 14,999.....	\$5,826
11	15,000 to 17,499.....	\$5,943
12	17,500 to 19,999.....	\$6,048
13	20,000 to 24,999.....	\$6,165
14	25,000 to 29,999.....	\$6,270
15	30,000 to 39,999.....	\$6,387
16	40,000 to 49,999.....	\$6,544
17	50,000 to 59,999.....	\$6,779
18	60,000 to 69,999.....	\$7,014
19	70,000 to 79,999.....	\$7,275
20	80,000 to 89,999.....	\$7,432
21	90,000 to 99,999.....	\$7,676
22	100,000 and over.....	\$7,902
23	(b) Taxable Valuation of County	Column B
24	Below \$2,000,000.....	\$4,598
25	2,000,000 to 2,999,999.....	\$4,729

1	3,000,000 to 3,999,999.....	\$4,833
2	4,000,000 to 4,999,999.....	\$4,938
3	5,000,000 to 5,999,999.....	\$5,069
4	6,000,000 to 6,999,999.....	\$5,394
5	7,000,000 to 7,999,999.....	\$5,487
6	8,000,000 to 9,999,999.....	\$5,617
7	10,000,000 to 11,999,999.....	\$5,708
8	12,000,000 to 13,999,999.....	\$5,826
9	14,000,000 to 15,999,999.....	\$5,942
10	16,000,000 to 17,999,999.....	\$6,047
11	18,000,000 to 19,999,999.....	\$6,165
12	20,000,000 to 22,499,999.....	\$6,270
13	22,500,000 to 24,999,999.....	\$6,387
14	25,000,000 to 29,999,999.....	\$6,544
15	30,000,000 to 34,999,999.....	\$6,779
16	35,000,000 to 39,999,999.....	\$7,014
17	40,000,000 to 44,999,999.....	\$7,275
18	45,000,000 to 49,999,999.....	\$7,432
19	50,000,000 to 54,999,999.....	\$7,667
20	55,000,000 to 59,999,999.....	\$7,902
21	60,000,000 to 64,999,999.....	\$8,138
22	65,000,000 to 69,999,999.....	\$8,372
23	70,000,000 to 74,999,999.....	\$8,607
24	75,000,000 to 79,999,999.....	\$8,843
25	80,000,000 to 84,999,999.....	\$9,078

1 85,000,000 to 89,999,999..... \$9,313
 2 90,000,000 to 94,999,999..... \$9,548
 3 95,000,000 to 99,999,999..... \$9,783
 4 100,000,000 to 109,999,999..... \$10,019
 5 110,000,000 to 119,999,999..... \$10,195
 6 120,000,000 to 129,999,999..... \$10,398
 7 130,000,000 to 139,999,999..... \$10,606
 8 140,000,000 to 149,999,999..... \$10,817
 9 150,000,000 and over..... \$11,035

10 (2) (a) The county superintendent of schools shall
 11 receive, in addition to the salary based upon the totals of
 12 columns A and B above, the sum of \$400 per year.

13 (b) The county sheriff shall receive, in addition to
 14 the salary based upon the totals of columns A and B above,
 15 the sum of \$1,200 per year.

16 (c) Except in counties of population greater than
 17 30,000, the county attorney shall receive, in addition to
 18 the salary based upon the totals of column A and B above,
 19 the sum of \$1,200. In each county with a population in
 20 excess of 30,000 and in those counties where the office of
 21 county attorney has been established as a full-time position
 22 pursuant to [section 1], the salary of the county attorney
 23 shall be ~~\$30,000~~ \$14,200 per year."

-End-

HB 682

CHAPTER NO. 669

HOUSE BILL NO. 682

INTRODUCED BY HAND, SCULLY, KEYSER, YARDLEY

IN THE HOUSE

February 9, 1979	Introduced and referred to Committee on Local Government.
	Rereferred to Committee on Judiciary.
February 16, 1979	Committee recommend bill do pass as amended. Report adopted.
February 17, 1979	Printed and placed on members' desks.
February 21, 1979	Second reading, do pass.
February 22, 1979	Considered correctly engrossed.
	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Local Government.
March 21, 1979	Committee recommend bill be concurred in. Report adopted.
March 23, 1979	Second reading, concurred in as amended.
March 26, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 27, 1979	Returned from second house. Concurred in as amended.
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March 29, 1979

Second reading, amendments
rejected.

On motion, Joint Conference
Committee requested.

March 30, 1979

Joint Conference Committee
appointed.

April 4, 1979

Joint Conference Committee
dissolved.

On motion, Free Joint Con-
ference Committee requested.

April 5, 1979

Free Joint Conference Com-
mittee appointed.

April 6, 1979

Free Joint Conference Com-
mittee reported.

April 7, 1979

Second reading, adopted.

April 9, 1979

Third reading, adopted.

April 11, 1979

Adopted by Senate.

Sent to enrolling.

Reported correctly enrolled.

Judiciary COMMITTEE

46th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 701	provide graduated system of fines for speeding etc.	2/9	Rosenthal	2/15	pass-amend	2/15
HB 705	require that a meeting of a subcommittee be open	2/9	Yardley	2/15	pass-amend	2/15
HB 659	fiscal notes on bills having an effect on revenue - local gvt.	2/10	Lory	2/16	do not pass	2/16
HB 670	polls - noon to 8 for drainage district elections	2/10	O'Connell	2/16	pass	2/16
HB 682	to establish the office of county attorney as full-time	2/10	Hand	2/16	pass	2/16
HB 712	filing of liens on motor vehicles - limit number of liens, etc.	2/10	Cooney	2/16	pass	2/16

another example of a case with the result that was not intended by the criminal code. This is an attempt to clarify the ambiguities in serious bodily injury.

TOM HONZEL: County Attorneys. The change in the definition was drafted in the law school by Professor Crowley, after the Supreme Court decision. I do have a memo that was prepared by Professor Crowley.

There was no discussion and the hearing closed on House Bill No. 737.

HOUSE BILL NO. 659: Representative Lory. This was at the request of the cities and counties. It would require fiscal notes on bills having an effect on revenues, expenditures, or fiscal liability of units of local government.

MIKE STEPHENS: Montana Association of Counties. We are just asking for equal treatment. We know that you are looking certain types of information and we feel that information like this could help determine what impact it has on local government. We think this would allow particular legislative decisions.

GEORGE BOUSLIMAN: We support this bill.

Representative Scully asked how they were going to put this information together. How do you do the local government game.

Mr. Bousliman; the budget office has a fiscal note annual and as a fiscal note is requested we send it. The information is limited.

DON DOOLEY: Department of Community Affairs. It is difficult. We have to file the annual reports. We encountered many of the same problems that you have, we have to make assumptions. You try to make your report valid.

There followed discussion about how they were going to get the information, and the hearing then closed on House Bill No. 659.

HOUSE BILL NO. 682: Representative Hand. This bill would allow county commissioners in certain counties to establish the office of county attorney as a full-time position and increase the salary of certain county attorneys and provide for legal services by persons other than the county attorney.

W. G. 'DUKE' GILBERT: President, Montana County Attorneys Assoc. This is a result of a committee effort between county attorneys and interested persons. There are some changes

February 16, 1979

Page 8

that need to be made. This is the ultimate option bill. I want to explain why these changes are needed.

Section 1, various sizes of counties
Section 2, allows a county to contract out
Section 3, exactly the same as the section now in the school law
Section 4, salary provision

There is one more change that could be made, paragraphs b and c of the last section. It should be raised to \$2,000 a year. You can't hire personnel of any kind for 90% of \$10,000. It is becoming more and more difficult to be a county attorney. They are very burdened.

TOM HONZEL: County Attorney Association. We want to try to upgrade the office. This bill would give the option to the counties to work this matter out on their own. Most of the counties are full-time.

There was discussion on the salary provision.

Representative Keedy, discussion about inter-local cooperative agreements.

Mr. Gilbert, we don't know if it was legal or permitted to have this criminal work in various counties. This would give us extreme flexibility. We believe the prosecution of cases should be by an elected official. We feel this would be very limited. It would be the same provision that is in the school law now.

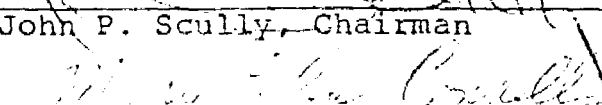
Representative Kemmis remarked that he was concerned with the salary, and Mr. Gilbert said if you want professional people you have to pay for it.

There was no further discussion and the hearing closed on House Bill 682.

The meeting adjourned at 9:50 a.m. to go into executive session and take action on bills still pending in the committee.



John P. Scully, Chairman



Mary Ellen Connelly, Secretary

JUDICIARY COMMITTEE
EXECUTIVE SESSION
February 16, 1979

Following the regular meeting the Judiciary Committee went into executive session to take action on bills pending. The meeting was called to order by Chairman Scully in room 436 of the Capitol Building at 9:50 a.m.

HOUSE BILL NO. 621:

Representative Keyser moved "do pass". Representative Roth moved to amend the title and change 5 years to 2 years, which would make it 1981. The motion failed with only Representative Roth voting "yes". Representative Kemmis spoke to the motion, a 2 year base in a state the size of Montana cannot be done. I think you need a decent data base. This bill be up to review and we will have the opportunity to terminate the program. Several other members agreed with this point of view.

The question was called and the motion "do pass" carried with Representative Roth voting "no".

HOUSE BILL NO. 659:

Representative Lory moved "do pass". Representative Rosenthal moved a substitute "do not pass". On a roll call vote it was a tie and Representative Daily agreed to change his vote to bring it out of committee do not pass carried 8 to 7.

HOUSE BILL NO. 670:

Representative Lory moved "do pass". The motion carried with the vote unanimous.

HOUSE BILL NO. 682:

Representative Daily moved "do pass". Representative Curtiss moved a substitute motion "do not pass". After a heated discussion Representative Curtiss withdrew her motion.

Representative Keyser moved to amend page 5, line 23. (copy attached) He spoke to his motion. Representative Keedy opposed the motion. The motion carried with Representatives Keedy, Lory, Roth and Kemmis voting "no".

Representative Keyser moved to amend page 2, lines 7 and 8. (copy attached) The motion carried with the vote unanimous.

Representative Keedy moved to amend page 2, line 9 and line 11 by inserting on a temporary basis. There was discussion about where to put the amendment and whether to say "on a part-time basis". After discussion Mr. Keedy withdrew his motion. Representative Lory was opposed to the motion.

Representative Keyser moved "do pass as amended". The motion carried with the vote unanimous.

HOUSE BILL NO. 712: Representative Lory moved "do pass". The motion carried with the vote unanimous.

House Bill No. 713: Representative Keyser moved to amend page 2, and strike sections (2) and (3). The motion carried with the vote unanimous.

Representative Keyser moved "do pass as amended" and the motion carried with the vote unanimous.

HOUSE BILL NO. 737: Representative Keedy moved "do pass". Representative Eudaily asked for clarification of grievous harm on the top of page 13. Representative Scully discussed serious permanent injury. Representative Keedy discussed substantial risk of death.

Representative Kemmis on line 24, what is the meaning of continued, how long a continuation does that mean? Mr. Keedy said, I don't really know how to answer that. Representative Kemmis, I wonder why you would use prolonged instead of continued. Representative Scully explained his feeling on the difference between prolonged and continued. You can always wind up with a lesser included offense.

Representative Kemmis led a discussion about the bodily injury and mental illness and just what it meant.

The question was called and the motion "do pass" carried with the vote unanimous.

HOUSE BILL NO. 719: Representative Lory moved "do pass". The motion carried with the vote unanimous.

HOUSE BILL NO. 726: Representative Lory moved "do not pass". The motion carried with Representative Conroy voting "no".

HOUSE BILL NO. 341: Representative Keedy moved "do pass". The motion carried with the vote unanimous.

HOUSE BILL NO. 732: Representative Keyser moved "do pass".

COMMITTEE ON LOCAL GOVERNMENT -- HOUSE BILLS

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
HB 494	2-23	3-8; 3-23 3-24	3-24					3-24	
HB 498	2-16	3-8	3-8				3-8		
HB 553	2-22	3-15	3-15				3-15		
HB 559	2-28	3-6	3-6				3-6		
HB 610	2-22	3-6	3-6				3-6		
HB 616	2-23	3-17	3-17					3-17	
HB 644	2-23	3-6	3-6				3-6		
HB 661	2-23	3-13	3-13				3-13		
HB 670	2-20	3-3	3-3				3-3		
HB 673	3-13	3-15	3-15						3-15
HB 682	2-23	3-20	3-20				3-20		
HB 683	2-23	3-1	3-1				3-1		
HB 687	2-23	3-10; 3-17	3-17				3-17		
HB 693	2-21	3-13	3-13				3-13		
HB 696	2-23	3-15	3-15				3-15		
HB 698	2-23	3-13	3-13				3-13		
HB 704	2-20	3-15; 3-20 3-22	3-22					3-22	

Ed Nelson, of the Montana Taxpayers Association, stated his opposition to the bill. Mr. Nelson stated that this bill would allow local governments to spend money without having to levy the taxes. Mr. Nelson offered a news clipping to go with his testimony. (See attachment.)

Representative Reichert made the closing remarks. She stated that when there is surplus, the money goes back to the people. This bill will provide a vehicle for joining the other 46 states that already do this. Representative Reichert stated this bill received bi-partisan support in the House.

The meeting was opened to a question and answer period from the Committee. Discussion was held.

Senator Rasmussen asked how this would work. Representative Reichert used the coal tax as an example with the money going to the general fund and then distributed to the local governments.

CONSIDERATION OF HOUSE BILL 244: Representative Gene Ernst of District 47, gave a brief resume of the bill. Representative Ernst is the sponsor of HB 244. This bill is an act amending the Montana Major Facility Siting Act, requiring local governments entitled to participate in a certification proceeding to file a statement of intent to participate; involving local governments in the long range planning process. This bill assists the original Major Facility Siting Act. Citizens feel they are left out, which is a fault in the present law. House Bill 244 gives the local people some input.

Bob Gannon, representing the Montana Power Company, stood in support of the bill. Mr. Gannon stated the intent of the bill is to involve the local governing body. He said he would like to see the bill amended on page 5, lines 14-18, all to be stricken.

Peter Pauly, representing the Montana - Dakota Utilities, stated he supported the principle of the bill with the proposed amendments.

There were no opponents to the bill. Therefore, Representative Ernst made the closing remarks. He stated that the proposed amendments will not harm the bill. The nickname of this bill is "landowners relations bill".

The meeting was opened to a question and answer period from the Committee. Discussion was held.

CONSIDERATION OF HOUSE BILL 682: Representative Bill Hand of District 82, chief sponsor of HB 682, gave a brief resume. This bill is an act to allow county commissioners in certain counties to establish the office of county attorney as a full-time position; to increase the salary of certain county attorneys; and to provide for the rendition of county legal services by persons other than the county attorney.

W. G. Gilbert III, of the Montana County Attorneys Association, stated that this bill will give the counties the flexibilities to make the adjustment they need to make. This would be the ultimate option for counties. He stood in support of the bill.

Tom Honzel, of the Montana County Attorneys Association, stated that this is a very important bill. Very little has been done since the original act was enacted. The work load is getting larger all the time. Needs vary from county to county and this bill will give them the flexibility they need.

There were no opponents to the bill. Representative Hand made the closing remarks. He stated that he feels this is a very necessary bill for the counties.

CONSIDERATION OF HOUSE BILL 851: Representative Bobby Spilker of District 32, chief sponsor of HB 851, gave a brief resume. This bill is an act to provide procedures for alteration of existing forms of local governments. Representative Spilker stated that local governments are not able to change their form of government without the vote of the people. House Bill 851 addresses the procedural question regarding changing forms of local government.

David Hunter, representing the City of Helena, stated his support of the bill. His cities have self-governing powers. This bill would give the procedural mechanism and also give the county commissioners the power to do this.

Jim Nugent, representing the City of Missoula, stated that HB 851 will provide the procedures required by the Montana Constitution in Article XI, Section 3, in 1972. (See attachment.)

Eva Spaulding, of the League of Women Voters, stated that the League recognizes that local government entities have varied and different needs. This bill will allow changes in the local government in the areas and in the way the majority of the voters want it. (See attachment.)

Dan Mizner, of the League of Cities and Towns, stated his support of the bill. This bill corrects the mechanisms to change the forms of governments.

There were no opponents.

Representative Spilker made the closing remarks. She stated that this is all new language and just clarifies. At the present time, there is no procedure in the law to allow cities to put it to a vote of the people.

HOUSE BILL 81: The hearing on HB 81 will be rescheduled for Thursday, March 22, because of lack of time

DISPOSITION OF HOUSE BILL 682: This bill is in regard to full-time county attorneys being allowed.

A motion was made by Senator Rasmussen that HB 682 "BE CONCURRED IN". Motion carried with all members voting "yes" with the exception of Senator O'Hara who abstained.

ACTION ON HOUSE BILL 851: This bill is in regard to providing procedures for alteration of existing forms of local governments.

Senator Watt made a motion that the bill be amended to read 2 years.

A substitute motion was made by Senator Lockrem that the bill be amended to read three years. Motion carried.

CONSIDERATION OF HOUSE BILL 704: This bill is in regard to the allocation of state funds for public transportation.

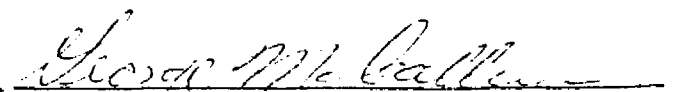
David Hunter, from the City of Helena, stated that the formula changes the money. The cities have gotten together and worked out a formula. The money will still come to the cities. Mr. Hunter stated that the cities cannot budget when they do not know how much money they will get.

ACTION ON HOUSE BILL 382: This bill is in regard to allowing private fire protection companies to continue to provide fire protection services to an area that has been annexed or incorporated.

A motion was made by Senator Lockrem that the Committee reconsider their previous actions on HB 382. Motion carried.

A motion was made by Senator Lockrem that HB 382 "BE CONCURRED IN". Motion was withdrawn.

ADJOURN: With no further business, the meeting was adjourned at 2:55. The next meeting will be held on Wednesday at 12:00 noon for executive action.


CHAIRMAN, Senator George McCallum

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
GEORGE MCCALLUM, CHAIRMAN	/		
LLOYD LOCKREN, VICE CHAIRMAN	/		
MAX CONOVER	/		
JESSE A. O'HARA	/		
BOB PETERSON	/		
A. T. (TOM) RASMUSSEN	/		
PETE STORY	/		
BILL THOMAS	/		
ROBERT D. WATT	/		

Each Day Attach to Minutes.

STANDING COMMITTEE REPORT

March 20 19 79

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 682

Hand (Rasmussen)

Respectfully report as follows: That House Bill No. 682

~~EXPRESS~~

BE CONCURRED IN

NAME: Tom HONZEL DATE: 3-20-79

ADDRESS: Courthouse HELENA

PHONE: 442-4550

REPRESENTING WHOM? County Attorney

APPEARING ON WHICH PROPOSAL: HB 682

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

W G Gilchrist Jr

DATE:

March 30 1977

ADDRESS:

15 S Idaho D. Hwy

PHONE:

683-4306

REPRESENTING WHOM?

Montana County Attorneys Association

APPEARING ON WHICH PROPOSAL:

6.28

DO YOU:

SUPPORT?

☒

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

HOUSE BILL NO. 682

INTRODUCED BY HAND, SCULLY, KEYSER, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW COUNTY COMMISSIONERS IN CERTAIN COUNTIES TO ESTABLISH THE OFFICE OF COUNTY ATTORNEY AS A FULL-TIME POSITION; TO INCREASE THE SALARY OF CERTAIN COUNTY ATTORNEYS; AND TO PROVIDE FOR THE RENDITION OF COUNTY LEGAL SERVICES BY PERSONS OTHER THAN THE COUNTY ATTORNEY; AMENDING SECTION 7-4-2503, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. County attorney may be full time -- resolution -- salary. In any county with a population of less than 30,000, the county commissioners may, upon the consent of the county attorney, on July 1 of any year by resolution establish the office of county attorney as a full-time position subject to the provisions of 7-4-2701 and 7-4-2704. The salary for this position is the salary provided by 7-4-2503 for the office of county attorney in a county with a population in excess of 30,000.

NEW SECTION. Section 2. Contract for services of county attorney from another county. The county commissioners of any county may upon the consent of the county attorney, by agreement with the commissioners and county attorney of any other county, contract in writing to

employ any other county attorney or attorney member of his staff to perform civil or criminal legal services for the county at a reasonable rate. The provisions of this section are subject to the provisions of interlocal cooperative agreements.

NEW SECTION. Section 3. Contract for services of any other attorney. In any county with a population of less than 30,000, the county commissioners may, upon consent of the county attorney, employ any other attorney licensed in Montana to perform any legal service in connection with the civil business of the county.

Section 4. Section 7-4-2503, MCA, is amended to read: "7-4-2503. Salaries of certain county officers. (1) Except as provided in subsection (2), the total salary paid to the county treasurer, county clerk and recorder, clerk of the district court, county attorney, county assessor, county superintendent of schools, and county sheriff; the county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812; and the county auditor in all counties wherein such office is authorized shall be the sum of the salary shown in column A, based on population as of January 1, 1977, when added to the salary shown in column B, based on taxable valuation as of January 1, 1977, as follows:

(a) Population of County

Column A

1	Below 3,000.....	\$4,494
2	3,000 to 3,999.....	\$4,729
3	4,000 to 4,999.....	\$4,833
4	5,000 to 5,999.....	\$4,938
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21	90,000 to 99,999.....	\$7,676
22	100,000 and over.....	\$7,902
23	(b) Taxable Valuation of County Column B	
24	Below \$2,000,000.....	\$4,598
25	2,000,000 to 2,999,999.....	\$4,729

1	3,000,000 to 3,999,999.....	\$4,833
2	4,000,000 to 4,999,999.....	\$4,938
3	5,000,000 to 5,999,999.....	\$5,069
4	6,000,000 to 6,999,999.....	\$5,394
5	7,000,000 to 7,999,999.....	\$5,487
6	8,000,000 to 9,999,999.....	\$5,617
7	10,000,000 to 11,999,999.....	\$5,708
8	12,000,000 to 13,999,999.....	\$5,826
9	14,000,000 to 15,999,999.....	\$5,942
10	16,000,000 to 17,999,999.....	\$6,047
11	18,000,000 to 19,999,999.....	\$6,165
12	20,000,000 to 22,499,999.....	\$6,270
13	22,500,000 to 24,999,999.....	\$6,387
14	25,000,000 to 29,999,999.....	\$6,544
15	30,000,000 to 34,999,999.....	\$6,779
16	35,000,000 to 39,999,999.....	\$7,014
17	40,000,000 to 44,999,999.....	\$7,275
18	45,000,000 to 49,999,999.....	\$7,432
19	50,000,000 to 54,999,999.....	\$7,667
20	55,000,000 to 59,999,999.....	\$7,902
21	60,000,000 to 64,999,999.....	\$8,138
22	65,000,000 to 69,999,999.....	\$8,372
23	70,000,000 to 74,999,999.....	\$8,607
24	75,000,000 to 79,999,999.....	\$8,843
25	80,000,000 to 84,999,999.....	\$9,078

1 85,000,000 to 89,999,999..... \$9,313
 2 90,000,000 to 94,999,999..... \$9,548
 3 95,000,000 to 99,999,999..... \$9,783
 4 100,000,000 to 109,999,999..... \$10,019
 5 110,000,000 to 119,999,999..... \$10,195
 6 120,000,000 to 129,999,999..... \$10,398
 7 130,000,000 to 139,999,999..... \$10,606
 8 140,000,000 to 149,999,999..... \$10,817
 9 150,000,000 and over..... \$11,035
 10 (2) (a) The county superintendent of schools shall
 11 receive, in addition to the salary based upon the totals of
 12 columns A and B above, the sum of \$400 per year.
 13 (b) The county sheriff shall receive, in addition to
 14 the salary based upon the totals of columns A and B above,
 15 the sum of \$1,200 per year.
 16 (c) Except in counties of population greater than
 17 30,000, the county attorney shall receive, in addition to
 18 the salary based upon the totals of column A and B above,
 19 the sum of \$1,200. In each county with a population in
 20 excess of 30,000 ~~and in those counties where the office of~~
 21 ~~county attorney has been established as a full-time position~~
 22 ~~pursuant to [section 1],~~ the salary of the county attorney
 23 shall be ~~NOT EXCEED BE \$30,000 \$34,200~~ \$30,000 per year.
 24 (D) IN THOSE COUNTIES WHERE THE OFFICE OF THE COUNTY
 25 ATTORNEY HAS BEEN ESTABLISHED AS A FULL-TIME POSITION

1 PURSUANT TO [SECTION 1], THE SALARY OF THE COUNTY ATTORNEY
 2 SHALL BE SET BY RESOLUTION OF THE COUNTY COMMISSION BUT IT
 3 SHALL NOT EXCEED THE SALARY OF THE COUNTY ATTORNEY IN A
 4 COUNTY WITH A POPULATION IN EXCESS OF 30,000."

-End-

STATE OF MONTANA

Request No. 365-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 14, 1979, there is hereby submitted a Fiscal Note for House Bill 682 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 682 allows counties of under 30,000 population to establish full-time county attorneys and raises the salaries of county attorneys in counties of over 30,000 population.

ASSUMPTIONS:

1. Of the counties under 30,000 population, the four counties between 15,000 and 30,000 population will either establish full-time county attorneys or contract with private attorneys pursuant to section 3 of the bill in amounts equal to the salary of a full-time attorney.
2. Seven counties over 30,000 will raise salaries.
3. Employee benefits are 13.5% of gross salaries.

FISCAL IMPACT:

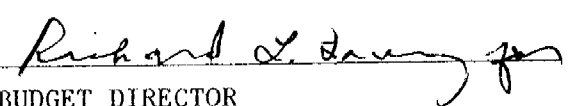
No fiscal impact on state government.

LOCAL IMPACT:

	<u>FY 80</u>	<u>FY 81</u>
Personal services expenditures under proposed law	\$426,303	\$426,303
Personal services expenditures under current law	<u>300,950</u>	<u>300,950</u>
Increased personal services expenditures under proposed law	<u>\$125,353</u>	<u>\$125,353</u>

COMMENT:

No data is available on the total salaries currently paid deputy county attorneys, however historically the salaries of deputies have increased proportionately to those of county attorneys.


BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/20/79